

Serial No. 09/782,718

PATENT

**REMARKS/ARGUMENTS**

The Office Action withdrew earlier indication of allowability in view of a new found reference Nowell (US Patent No. 4,900,215). In addition, claims 23-44 were withdrawn from consideration as being directed to non-elected species.

Claims 22 and 55 have been amended. Claims 22, 45, 55, and 57 are now pending.

**Applicant's Invention**

The claimed invention is generally directed to a method of transporting a cycle where the first cradle bar and the second cradle bar are separate elements which are placed around the cycle. Being able to position the first and second cradle bars around a cycle can be useful when the cycle cannot be moved or pushed onto a trailer. In this regard, the first and second cradle bars are positioned on opposite sides of the cycle and substantially parallel to the longitudinal axis of the first and second wheels of the cycle. To clarify that the first and second cradle bars are separate elements, independent claims 22 and 55 have been amended to recite, in part, that "the first cradle bar is releasable from the second cradle bar." The support for the amendments can be found, for example, in paragraphs 98-104 of the specification.

**Speier Reference 102(b) Rejection**

The Office Action rejected claims 22, 55, and 57 as being anticipated by Speier (US Patent No. 5,228,712). The Applicant respectfully traverses the above rejection.

Speier reference is directed to a collapsible motorcycle trailer T having a wheel well section 14, a middle ramp section 16, an axle section 18, and a rear ramp section 20. A motorcycle M can be loaded onto the trailer T by lowering the ramp 20 to the ground and pushing the motorcycle over the ramp 20 and onto the ramp sections 12, 16, and 18. Note that the two side walls of the ramp section 16 are not releasable with respect to each other. In other words, the side walls of the ramp section 16 are two legs of a unitary U-section channel such that the each side wall do not teach or suggest the step of "positioning a first cradle bar substantially parallel to a longitudinal axis defined by a first wheel and a second wheel," and then "positioning

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a second cradle bar opposite said first cradle bar and substantially parallel to the longitudinal axis defined by the first wheel and the second wheel” as recited in independent claims 22 and 55. The positioning of the first cradle bar and positioning of the second cradle bar are two separate steps which are not taught by Speier. In addition, the side walls of the ramp section 16 are not “releasable” with respect to each other so that Speier does not teach or suggest the step where “the first cradle bar is releasable from the second cradle bar,” as recited in independent claims 22 and 55. Accordingly, the Applicant respectfully submits that claims 22, 55, and 57 are allowable over Speier.

### **Obvious 103(a) Rejection**

Claims 22, 45, 55, and 57 have been rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 3,912,139 by Bowman (“Bowman”) in view of U.S. 5,462,398 by Hymer (“Hymer”), U.S. Patent No. 4,696,484 by Casey (“Casey”) and U.S. Patent No. 3,822,798 by Neff (“Neff”). The Applicant respectfully traverses the above rejection for the reasons set forth below.

Bowman discloses a carrier having a U-shaped member 12 or 14 for supporting the front and rear wheels of the cycle much like the Speier Patent. See column 2, line 21-24. The U-shaped member 12 is one piece member having a base and two sides to support the front and rear wheels of the cycle. To transport a motorcycle, the front and rear wheels of the motorcycle must be pushed or maneuvered into the U-shape member. As such, Bowman does not teach or suggest the step of “positioning a first cradle bar substantially parallel to a longitudinal axis defined by a first wheel and a second wheel” and “positioning a second cradle bar opposite said first cradle bar and substantially parallel to the longitudinal axis defined by the first wheel and the second wheel,” as recited in claims 22 and 55. The positioning of the “first cradle bar” and positioning of the “second cradle bar” are two separate steps which are not taught by Bowman. In addition, Bowman does not teach or suggest that “the first cradle bar is releasable from the second cradle bar,” which are two separate elements, as recited in claims 22 and 55.

With regard to other references Hymer, Casey, and Neff cited in the Office Action, none of these patents teach or suggest “positioning” the first and second cradle bars on opposite sides of the cycle and substantially parallel to the longitudinal axis of the first and second wheels of the cycle, and where “the first cradle bar is releasable from the second cradle bar.” In other

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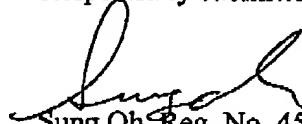
words, the first and second cradle bars are separate elements so that the two cradle bars may be assembled around a cycle even if the cycle is immobile so that cycle can be moved. Accordingly, the applicant respectfully submits that independent claim 22 and its dependent claims 45 and 57, and independent claim 55 are allowable over the references cited in the office action.

With regard to withdrawn claims 23-44 and 53, the Applicant respectfully submits that these claims should be reinstated because all of these claims to species depend from or otherwise include each of the limitations of an allowable generic claim 22. As such, the restriction requirements as to dependent claims 23-44 and 53 should be withdrawn and are allowable over the cited references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (626) 332-7262 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3578. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefore.

Respectfully submitted,



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